

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**May 22, 2025**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SIMONA G. MARIE and THOMAS  
LEWIS, spouses, and ALTCONT, LLC,  
a Washington limited liability company,

Plaintiffs,

v.

PACIFIC LIFE INSURANCE  
COMPANY, a foreign corporation;  
HARDING FINANCIAL PARTNERS,  
INC., a foreign corporation; ANDREW  
J. BROWN, an individual;  
CORPORATE ASSET RETENTION,  
INC, a foreign corporation;  
CORPORATE ASSET FINANCIAL  
CORPORATION; a foreign corporation,  
THOMAS FOREST, an individual; and  
UNKNOWN DEFENDANTS 1 through  
5, unknown individuals and/or entities,

Defendants.

No. 4:23-CV-05093-RLP

ORDER DENYING STIPULATED  
PROTECTIVE ORDER

1 Before the Court is the parties' Stipulation for Protective Order, ECF No. 84.  
2 The parties seek a protective order to protect the confidentiality of documents  
3 claimed to be confidential, proprietary, or private. Of note, the parties refer to  
4 unspecified documents that will "presumptively" be deemed confidential. ECF No.  
5 84 at 3.

6 There is a strong presumption in favor of access to court records. *In re*  
7 *Midland Nat. Life Ins. Co. Annuity Sales Pracs. Litig.*, 686 F.3d 1115, 1119 (9th  
8 Cir. 2012). District courts have discretion on whether or not to grant a protective  
9 order or seal records. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 599, 98 S.  
10 Ct. 1306 (1978).

11 "Generally, the public can gain access to litigation documents and  
12 information produced during discovery unless the party opposing disclosure shows  
13 'good cause' why a protective order is necessary." *Phillips ex rel. Ests. of Byrd v.*  
14 *Gen. Motors Corp.*, 307 F.3d 1206, 1210 (9th Cir. 2002). "For good cause to exist,  
15 the party seeking protection bears the burden of showing specific prejudice or  
16 harm will result if no protective order is granted." *Id.* at 1210-11. Specific  
17 prejudice or harm arising from the disclosure of specific documents must be  
18 demonstrated. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1131 (9th  
19 Cir. 2003).

1 The requirement to demonstrate good cause cannot be waived, and remains  
2 even where the parties stipulate to the order. *San Jose Mercury News, Inc. v. U.S.*  
3 *Dist. Ct.--N. Dist. (San Jose)*, 187 F.3d 1096, 1103 (9th Cir. 1999).

4 The parties ask the Court to sign a Protective Order that was drafted and  
5 agreed to by the parties. While the parties agree that the disclosure of some  
6 categories of documents could result in harm, the parties' stipulated order does not  
7 attempt to demonstrate good cause or how the disclosure of a broad range of  
8 unidentified documents would result in specific prejudice or harm.

9 It is this Court's preference to not enter general Protective Orders that  
10 simply set forth the parties' agreement for handling "confidential" materials. The  
11 parties are free to contract between themselves regarding disclosure of information  
12 produced in discovery and pursue appropriate remedies in the event of breach;  
13 however, the Court will not be party to such an agreement.

14 If the parties wish to file a motion for protective order specifically  
15 identifying documents subject to protection, the Court will reconsider issuing a  
16 narrowly tailored protective order. Alternatively, the parties may file specific items  
17 of discovery in the court record and ask the Court to seal specific documents.

18 **ACCORDINGLY, IT IS HEREBY ORDERED:**

1 1. The parties' Stipulation for Protective Order, **ECF No. 84**, is **DENIED**  
2 without prejudice.

3 The District Court Executive is directed to enter this Order and forward copies  
4 to the parties.

5 DATED May 22, 2025.

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7 Rebecca L. Pennell  
8 United States District Judge  
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